

Applicant(s) : PAWELEK, et al.  
U.S. Serial No.: 10/723,570  
Filing Date : November 24, 2003  
Page : 8

Remarks

Objection to Drawings

The Examiner states that "[t]he drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 1 includes the reference character 'C', which is not described in the specification. The [F]igure 1 legend describes reference character 'D', which is not found in Figure 1. It appears as though the description of reference character 'D' applies to reference character 'C'."

In response, Applicants have amended the paragraph beginning on page 17, line 32, of the specification to change reference character "D" to "C'". The error was inadvertent and of a clerical nature. Accordingly, Applicants respectfully request the Examiner to enter this amendment.

Objection to Specification

The Examiner states that "[t]he status of application 09/358,052 should be updated to include the phrase 'currently U.S. Patent No. 6,685,935.'"

In response, Applicants have amended the paragraph beginning on page 1, line 4, of the specification to reflect the status of application 09/358,052 as "currently U.S. Patent No. 6,685,935." Accordingly, Applicants respectfully request the Examiner to enter this amendment.

The Examiner also states that "[t]he page numbers on the Table of Contents pages of the specification (i-iv) do not correspond to the numbering of the rest of the specification."

Applicant(s) : PAWELEK, et al.  
U.S. Serial No.: 10/723,570  
Filing Date : November 24, 2003  
Page : 9

In response, Applicants have deleted the Table of Contents pages containing the offending page numbers. Accordingly, Applicants respectfully request the Examiner to enter this amendment.

Furthermore, the Examiner states that "[t]he address for the ATCC depository has changed. It would be remedial to amend the specification to use the current address of the depository: P.O. Box 1549, Manassas, VA 20108."

In response, Applicants have amended the appropriate references to the ATCC depository so as to reflect the current address. Accordingly, Applicants respectfully request the Examiner to enter this amendment.

Claim Rejection under 35 U.S.C. 112, 1<sup>st</sup> Paragraph

The Examiner has rejected claims 1-13 under 35 U.S.C. 112, first paragraph, on grounds that they fail to comply with the enablement requirement. The Examiner states that "[t]he claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention."

The Examiner has also rejected claims 1-13 under 35 U.S.C. 112, first paragraph, on grounds that they fail to comply with the written description requirement. The Examiner states that "[t]he claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention."

In response, Applicants hereby submit an affidavit under 37 C.F.R. 1.132 to show that the present claims, as amended, satisfy the

Applicant(s) : PAWELEK, et al.  
U.S. Serial No.: 10/723,570  
Filing Date : November 24, 2003  
Page : 10

enablement and written description requirements when the application disclosure is read in light of the knowledge possessed by those of ordinary skill in the art at the time of the invention. In particular, dependent claims 2, 7, 11, 12, and 13 have been incorporated into independent claim 1. The above-mentioned affidavit is attached hereto as **Exhibit A**, with supporting references further attached as **Exhibits 1-7**.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the above-mentioned objections and rejections.

#### INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. 1.56, Applicants hereby submit this Information Disclosure Statement (IDS) to direct the Examiner's attention to the references listed on Forms PTO/SB/08A and PTO/SB/08B, attached hereto as **Exhibit B**. The individual references are attached hereto as **Exhibits 1-24**.

Pursuant to 37 C.F.R. 1.97(c), the fee for filing an IDS after the mailing of a first Office Action on the merits is ONE HUNDRED AND EIGHTY DOLLARS (\$180.00). Accordingly, Applicants hereby submit a check in the amount of ONE HUNDRED AND EIGHTY DOLLARS (\$180.00) to satisfy the requisite fee.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

Applicant(s) : PAWELEK, et al.  
U.S. Serial No.: 10/723,570  
Filing Date : November 24, 2003  
Page : 11

No additional fee is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 50-1891. Conversely, authorization is also given to credit any the amount of any overpayments to Deposit Account No. 50-1891.

Respectfully submitted,

Albert Wai Kit Chan

I hereby certify that this paper is being deposited this date with the U.S. Postal Service with sufficient postage for first-class mail addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Albert Wai Kit Chan

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1/9/06

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